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In re Application of
APPLEYARD, Richard
Application No.: 09/980,562
PCT No.: PCT/AU00/00420
Int. Filing Date: 05 May 2000
Priority Date: 05 May 1999
Attorney Docket No.: WATE-0011
For: INDUSTRIAL PRESS SAFETY SYSTEM

DECISION ON PETITION

This decision is in response to applicant's "PETITION FOR WITHDRAWAL OF ABANDONMENT" filed on 01 March 2002, which is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 05 May 2000, applicant filed international application no. PCT/AU00/00420 which claimed priority date of 05 May 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 November 2000. A Demand was filed with the International Preliminary Examination Authority. As a result, the deadline for entry into the national stage in the United States expired 30 months from the priority date, on 05 November 2001.

On 01 November 2001, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a preliminary amendment; and a copy of the international preliminary examination report.

On 29 January 2002, the United States Elected Office mailed a NOTIFICATION OF ABANDONMENT UNDER 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 04 February 2002, applicant filed an executed declaration and power of attorney.

On 01 March 2002, applicant filed present petition to withdraw the holding of abandonment.

DISCUSSION

A review of the application file and present petition reveal that the above identified application is the United States national stage application of PCT/AU00/00420 which claimed priority date of 05 May 1999. A proper Demand, electing the United States, was filed prior to the 19 month from the priority date, in this case, 20 July 2000, and thus the deadline for entry into the national stage of the United States was extended to expire 30 months from the priority date, ie. 05 November 2001. On 01 November 2001, applicant filed the appropriate basic national fee. Therefore, the payment of the basic national fee was timely and the Notification of Abandonment was mailed in error.


The \$130 petition fee, submitted on 01 March 2002, has been refunded to Deposit Account no. 23-3050.

CONCLUSION

For the reasons above, the request is GRANTED and the Notification of Abandonment mailed 29 January 2002 is hereby VACATED. The holding of Abandonment is withdrawn.

The application has an international filing date of 05 May 2000 under 35 U.S.C. 363 and a 35 U.S.C. 371(c) date of **04 February 2002**.

This application is being returned to the United States/Designated Elected Office for processing in accordance with this decision.



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